

Stephen M. Doniger (SBN 179314)
stephen@donigerlawfirm.com
Benjamin F. Tookey (SBN 330508)
btookey@donigerlawfirm.com
DONIGER / BURROUGHS APC
603 Rose Avenue
Venice, California 90291
Telephone: (310) 590-1820
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CraftShack, Inc., a Delaware
Corporation;

Plaintiff,

v.

Betty Mayra, LLC d/b/a “Desierto
Alto,” a California limited liability
company; and DOES 1-10,

Defendants.

Case No.

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

Jury Trial Demanded

CraftShack, Inc. hereby prays to this Court for relief based on the following:

JURISDICTION AND VENUE

1. This action arises under the Copyright Act of 1976, 17 U.S.C. § 101,
et seq.

2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331,
1338(a)-(b).

3. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(c)
and 1400(a) because this is the judicial district in which a substantial part of the
acts and omissions giving rise to the claims occurred.

PARTIES

4. CraftShack is a Delaware corporation.

5. Upon information and belief, Defendant Betty Mayra, LLC d/b/a “Desierto Alto” is a California limited liability company with a principal place of business located at 606 South Hill Street Suite 606, Los Angeles, CA 90014; and a retail location at 55827 Twentynine Palms Highway, Yucca Valley, CA 92284. Betty Mayra is the owner, operator, and/or controller of the commercial website desiertoalto.com and its related/affiliated subdomains, mobile websites, and applications (collectively, “Betty Mayra’s Website”).

6. Upon information and belief, Defendants DOES 1-10 (“DOE Defendants”) (collectively with Betty Mayra, “Defendants”) are other parties not yet identified who have infringed Plaintiff’s copyrights and/or converted Plaintiff’s property. The true names, whether corporate, individual, or otherwise, of DOE Defendants are presently unknown to Plaintiff, which therefore sues said DOE Defendants by such fictitious names, and will seek leave to amend this Complaint to show their true names and capacities when same have been ascertained.

7. Upon information and belief, Plaintiff alleges that each of the Defendants was the agent, affiliate, officer, director, manager, principal, alter-ego, and/or employee of the remaining Defendants, and was at all times acting within the scope of such agency, affiliation, alter-ego relationship, and/or employment; and actively participated in, subsequently ratified, and/or adopted each of the acts or conduct alleged, with full knowledge of each violation of Plaintiff’s rights and the damages to Plaintiff proximately caused thereby.

**BETTY MAYRA’S UNAUTHORIZED EXPLOITATION OF
THE SUBJECT PHOTOGRAPHS**

8. CraftShack operates an online craft beer marketplace which ships mostly small and family-owned beer and liquor directly to customers. As part of its business, CraftShack has created thousands of original photos to “standardize” the

1 professional display of the products it sells on its website. This is important
2 because, while many of the manufacturers of those products offer promotional
3 photos thereof, those photos are often incohesive—e.g., shot with/from different
4 angles, backgrounds, lighting, etc. By creating homogenous and particularly
5 stylized product photos, CraftShack has created immense value for itself and its
6 customers. Indeed, due to the demand for CraftShack’s work, CraftShack has
7 created a secondary business of offering licenses for the use of its original photos
8 to companies like Betty Mayra. CraftShack’s website displays its original
9 photographs used to promote the sale of perishable products, and maintaining
10 exclusivity of use of those high-quality proprietary photos for only CraftShack and
11 its authorized licensees is crucial to CraftShack’s business.

12 9. CraftShack took and owns 22 original photographs registered with the
13 U.S. Copyright Office (collectively, the “Subject Photographs”). Copies of the
14 Subject Photographs, along with their titles and registration numbers, are set forth
15 in **Exhibit 1**.

16 10. Following the publication and display of the Subject Photographs,
17 Defendants, and each of them, copied, stored, distributed, displayed, created
18 derivative works of, and/or otherwise exploited the Subject Photographs on Betty
19 Mayra’s Website without CraftShack’s permission (the “Accused Posts”). Copies
20 of screen captures of the Accused Posts are set forth in **Exhibit 2**.

21 **FIRST CLAIM FOR RELIEF**

22 **(For Copyright Infringement – Against All Defendants, and Each)**

23 11. Plaintiff incorporates by reference the preceding paragraphs of this
24 Complaint.

25 12. Upon information and belief, Defendants, and each of them, had
26 access to the Subject Photographs, including through Plaintiff’s website and social
27 media accounts, or viewing the Subject Photographs on third-party websites or
28 Internet search engines.

1 d. That Plaintiff be awarded pre-judgment interest as allowed; and

2 e. That Plaintiff be awarded such further relief as this Court finds proper.

3 **JURY DEMAND**

4 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ.
5 P. 38 and the 7th Amendment to the United States Constitution.

6
7 Dated: August 13, 2024

DONIGER/BURROUGHS

8 By: /s/ Stephen M. Doniger

9 Stephen M. Doniger, Esq.

10 Benjamin F. Tookey, Esq.

11 *Attorneys for Plaintiff*
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28